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'Drowning nations' threaten new 21st century statelessness

Maxine Burkett Reuters AlertNet 22 Aug 11;

Migration of peoples and communities due to climate change may have a dramatic effect on the globe in the next half-century. It is estimated that some 200 million people worldwide may be on the move because of increased storms, flooding, sea level-rise, and desertification.

For some small island dwellers, the perils of migration will be made worse by the loss of their nations. In other words, while displacement within and across borders may be compulsory for many 'climate migrants,' small-islanders may be on the move absent a country to which to return.

Of particular concern are island nations in the Pacific and Indian Oceans - including Tuvalu, the Maldives, Kiribati, and the Republic of the Marshall Islands, among others. Already, grim climate forecasts suggest they will face challenges remaining in their homes.

Sea-level rise, coastal inundation, seawater intrusion into freshwater sources and soil salinisation all hurt freshwater availability and adversely affect coastal agriculture, on which many islanders depend. Indeed, this is already occurring in some Pacific island communities.

These climate change impacts will exacerbate pre-existing vulnerabilities typical of countries of similar size and stage of development - those with small economies, which are highly dependent on imports and weather-dependent exports.

For some states, however, climate change threatens their very survival.

It has been 20 years since the Intergovernmental Panel on Climate Change first stated that the "gravest effects of climate change may be those on human migration." But the international community has made little legal or political progress in dealing with the coming problems.

A number of challenges are behind this political lethargy, including a persistent lack of information on three points:

(1) The number of people and reasons why they may need to move. While 200 to 250 million climate migrants by 2050 are the most widely cited numbers, estimates vary greatly - from a relatively small 25 million to a high of one billion depending on the greenhouse gas emissions scenarios employed, among other factors.

(2) Linking migration directly to climate change. The many potential and overlapping causes of migration confound efforts to quantify climate-related displacement, both current and estimated.

Deteriorating environmental conditions interact with other factors that can influence migration, including levels of development, governance, and the

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capacity for individuals, communities, and countries to adapt to external pressures, climate-related or otherwise. Demographic considerations, such as age, sex, culture, education level and work experience, as well as general risk perception and levels of risk aversion, play an crucial role in determining whether someone can or will move.

(3) What to call people who move as a result of climate pressures. There is no agreed-upon definition for those judged to have been dislocated primarily by climate change. "Climate refugees" has been the mostly widely used term.

From a law and policy standpoint, however, such migrants are not recognized as refugees, even if they cross national borders, because displacement as a result of climate change or other environmental factors is not yet legally recognized. Finding an appropriate term for these migrants is vital, however, as their rights and the resulting obligations of other nations and the international community will depend on it.

Given these challenges and the lack of solid figures, the plight of climate migrants is easily sidestepped. For small island states, however, there are myriad reasons to act now – not least because the loss of their land will be a clear result of man-made climate change.

In the extreme scenarios that small island states face, there are worrisome legal gaps. There is international law that helps determine what should happen to people deprived of their nationality as a result of a variety of circumstances.

There are no laws, however, that govern what happens to citizens of a country that disappears. When island states are no longer inhabited and the population is permanently displaced to other countries, it is unclear whether they may become stateless persons under international law or if they become merely landless citizens of a state that no longer exists.

A new international or regional legal regime, swiftly conceived and implemented, is vital to resolve this kind of question. The complexity of the issue, and the immediate threat of climate change, call for early efforts at planning and coordination. The alternative is disorganized and insufficient aid - which might come too late.

Maxine Burkett is an associate professor of law at the University of Hawaii and director of the Center for Island Climate Adaptation and Policy.

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